



Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554



March 6, 2012

Michael Morisy
MuckRock News
Dept MR 1082
P.O. Box 55819
Boston, MA 02205-5819

FOIA No. 2012-172

Dear Mr. Morisy:

This letter responds to your recent Freedom of Information Act ("FOIA") request received by the Federal Communications Commission (the "FCC" or "Commission") and assigned to the Consumer & Governmental Affairs ("CGB"), Enforcement ("EB"), and the Media ("MB") Bureaus. Your request seeks complaints "submitted to the FCC regarding Super Bowl XLVI."

CGB conducted a search of the databases in which we maintain the records of informal complaints filed by, or on behalf of, consumers. Our search revealed 222 documents that are responsive to your request, which are enclosed. EB informed CGB that a search of its records identified no responsive documents.

Mr. Hennigan redacted all personal identifying information relating to the individuals who submitted or are named in the enclosed complaints or inquiries based on Exemption 6 of FOIA, which permits agencies not to disclose files that would clearly invade personal privacy.¹ Mr. Hennigan also redacted some FCC employee names based on Exemption 2 of FOIA, which permits agencies not to disclose internal personnel rules and practices.²

All personal identifying information relating to the individuals who submitted or are named in the enclosed complaints or inquiries has been redacted based on Exemption 6 of FOIA, which permits agencies not to disclose files that would clearly invade personal

¹ 5 U.S.C. § 552 (b)(6); *see also* 47 C.F.R. § 0.457(f).

² 5 U.S.C. § 552(b)(2); *see also* 47 C.F.R. § 0.457(b).

privacy.³ Some FCC employee names have also been redacted based on Exemption 2 of FOIA, which permits agencies not to disclose internal personnel rules and practices.⁴

The FCC receives many complaints and comments that do not involve violations of the Communications Act or any FCC rule or order. Thus, a complaint or comment does not necessarily indicate any wrongdoing by any individuals or entities named in the complaint or comment.

FOIA and FCC rules require the FCC to charge requesters for time spent searching for and reviewing responsive documents, and for copying them.⁵ Based on your classification as a representative of the "news media," you are responsible only for the payment of duplication costs beyond the first 100 pages. However, there are minimal fees accrued in the processing of this FOIA request which are not being assessed. See 47.C.F.R. § 0.470(f).

If you think this response denies your FOIA request, you may file an application for review of this decision with the FCC's Office of the General Counsel within 30 days.⁶ Both the application and envelope containing it must be marked "Review of Freedom of Information Action" and the application should refer to FOIA Control No. 2012-172.

Sincerely,



Nancy Stevenson
Deputy Chief
Consumer Policy Division
Consumer & Governmental Affairs Bureau

Enclosures

³ 5 U.S.C. § 552 (b)(6); *see also* 47 C.F.R. § 0.457(f).

⁴ 5 U.S.C. § 552(b)(2); *see also* 47 C.F.R. § 0.457(b).

⁵ 5 U.S.C. § 552(a)(4)(A)(i); 47 C.F.R. § 0.470.

⁶ 47 C.F.R. § 0.461(j).

FOIA SUMMARY INFORMATION FOR ANNUAL REPORT TO CONGRESS

When reply is made to the FOIA request, please return this completed form
and a copy of the reply to:

AMD-Performance Evaluation and Records Management, Room 1-A827, 445 12th St., SW, Washington, DC 20554

FOIA CONTROL NO: 2012-172	Date received by FOIA Control Office: 02/06/2012
Name of Requester: MICHAEL MORISY	Bureau/Office assigned to reply: CGB
Classification: NEWS MEDIA	

TO BE COMPLETED BY BUREAU/OFFICE

Are the records being requested maintained in a Privacy Act System of Records? ☒ YES ☐ NO

Is this a request for a transcript of recording of a closed meeting ☐ YES ☒ NO

Date of Reply:
03/06/2012

☐ Request granted in full
 ☐ Request denied in full
☒ Request partially granted and partially denied
 ☐ Other (specify):

Reasons for Denial: 5 U.S.C 552(b) *(Select exemption(s) which apply)*

☐ (1) ☒ (2) ☐ (3) ☐ (4) ☐ (5) ☒ (6) ☐ (7)

☐ Other (specify):

Specify (b)(3) statute:

Name and title of persons denying request:

(For Use By Office of General Counsel)

INTRA - AGENCY APPEAL

Date application for review was filed: _____ Date FCC action required: _____

OGC Attorney: _____ Date of FCC decision: _____

Reference number (FCC #, Mimeo #): _____

☐ Request granted in full
 ☐ Request denied in full
☐ Request partially granted and partially denied
 ☐ Other (specify):

Reasons for Denial: 5 U.S.C 552(b) *(Select exemption(s) which apply)*

☐ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7)

☐ Other (specify):

Specify (b)(3) statute:

Commissioners responsible for denial: